

# ZMO LAW PLLC

January 21, 2025

***Via ECF and email***

Hon. Paul A Engelmayr  
Southern District of New York  
Thurgood Marshall US Courthouse  
40 Foley Square  
New York, NY 10007

RE: *USA v. Cueto*, 11-cr-01032

Dear Judge Engelmayr:

This office was re-appointed on November 25, 2024, to represent Moises Cueto pursuant to the Criminal Justice Act for the limited purpose of responding to Mr. Cueto's inquiry to the Court regarding his eligibility for relief under recent amendments to the U.S. Sentencing Guidelines that are intended to benefit youthful individuals convicted of federal crimes.

I have communicated extensively with Mr. Cueto and determined that he does not qualify for any sort of automatic or retroactive relief. However, I have also concluded that based on the Sentencing Commission's November 1, 2024, Policy Statement, *see U.S.S.G. 5H.2* (2024 ed.) and the unique circumstances of Mr. Cueto's case – he was only 16 years old when he committed his crime – Mr. Cueto would be a good candidate for a reduction in his sentence under 18 U.S.C 3582(c)(1)(a)(i). Mr. Cueto has already taken steps towards exhausting his administrative remedies for compassionate release, and, in my view, warrants assistance in filing a motion with the court that will review his record since his *pro se* application for release in 2021 and the effect of a prompt release on his remaining sentence.

Accordingly, I respectfully request an expanded appointment under the Criminal Justice Act to investigate and submit a motion for Mr. Cueto under 18 U.S.C 3582(c)(1)(a)(i),

Thank you for your attention to this case.

Very truly yours,

*Zachary Margulis-Ohnuma*

Zachary Margulis-Ohnuma

The Court approves the requested appointment of counsel.  
The Clerk of Court is requested to terminate the motion at  
Dkt. No. 2776.

SO ORDERED.

2/25/2025

*Paul A. Engelmayr*

PAUL A. ENGELMAYER  
United States District Judge

353 LEXINGTON AVENUE, SUITE 900 • NEW YORK, NY 10016  
(212) 685-0999 • ZMO@ZMOLAW.COM  
WWW.ZMOLAW.COM